

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

Crim. No.: 15-20712

Honorable Nancy G. Edmunds

v.

Magistrate Judge Anthony P. Patti

FERNANDO HERRERA,

Defendant.

ORDER OF DETENTION PENDING SUPERVISED RELEASE HEARING

On April 22, 2022, the defendant was brought before me for a detention hearing, pending his supervised release violation (SRV) hearing before Judge Nancy G. Edmunds on April 13, 2020. After placing its reasoning on the record, all of which is hereby incorporated by this reference as though fully restated herein, the Court finds: (1) pursuant to 18 U.S.C. 3142(d)(2), that the defendant was placed on supervised release on December 29, 2017 for a period of 5 years, after serving 18 months incarceration on a federal conviction for failure to register as a sex offender; (2) that he may flee or pose a danger to any other person or the community; (3) pursuant to Rule 32.1(b)(1)(B), there is probable cause to believe that multiple violations of supervised release have occurred, including making a threat and perpetrating an assault and attempted robbery with a dangerous weapon against strangers, threats and property destruction aimed at his ex-wife and/or daughter,

including destruction of his ex-wife's windshield, and failing to heed instructions from his probation officer to stay away from his ex-wife and daughter (who were his only support system); (4) pursuant to 18 U.S.C. 3142(e)(2), that no condition or combination of conditions can reasonably assure the defendant's appearance for the upcoming hearing before Judge Edmunds, his own safety or the safety of the community; and, (5) pursuant to Rule 32.1(a)(6), the defendant has failed to establish by clear and convincing evidence that he is not likely to flee or pose a danger to the safety of other persons in the community if released. Defendant is dangerous, has a raging alcohol problem, has no support except for the victims of his above-described behavior, and has a lengthy history that I previously described in my 2015 detention order as:

going back over 30 years, of sex offenses, failure to register, and violent and other serious crimes, including but not limited to convictions for attempted murder, lewd and lascivious behavior, use of a firearm to commit a felony, resisting a police officer, grand larceny, felony cocaine possession and aggravated sexual battery. He also has four open warrants for his arrest. Defendant has lived in multiple states without registering as a sex offender (despite numerous warnings), most recently including Michigan. In moving to this state, he appears to have made efforts to thwart law enforcement's ability to keep track of his whereabouts, by giving away his truck and his cell phone. He also has significant ties to a foreign country, having 21 children in Cuba....

(ECF No. 10, PageID.24.)

Accordingly, the defendant is placed in the custody of the United States Marshal Service and hereby **DETAINED** until Judge Edmunds considers his

supervised release charges.

IT IS SO ORDERED.

Dated: April 22, 2022
Detroit, Michigan

A handwritten signature in blue ink, appearing to read "A. P. Patti", with a horizontal line drawn underneath it.

ANTHONY P. PATTI
United States Magistrate Judge